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*L.H. Craig - director of
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SUBMISSION OF

ONTARIO FEDERATION OF LABOUR, C.L.C.,

To The

ROYAL COMMISSION ON THE WORKMEN'S COMPENSATION ACT

HONOURABLE GEORGE A. MCGILLIVARY - COMMISSIONER.

August 15th, 1966.

Honourable Sir:

We appreciate this opportunity of presenting to you the views of organized labour in the Province of Ontario for your consideration.

Before we deal with our specific proposals, allow us to say a few words about the Ontario Federation of Labour and our relationship with the Workmen's Compensation Board. Our organization is a federation of trade unions in this Province, representing half-a-million trade unionists.

Meeting in Convention, the Federation considers and acts on resolutions submitted by delegates from affiliated unions concerning the many issues that face our members and the public at large. The proposals we shall make in this submission, by and large, flow from decisions made at our annual delegate conventions.

Organized labour in Ontario have had a very close working relationship with the Workmen's Compensation Board since its inception.

Labour was an active participant in the hearings of the Meredith Commission in 1910 and again in 1949 when Chief Justice Roach reviewed the Act and its administration. Daily our affiliated members and union representatives have dealings with the administrative people at the Board. Annually, we hold a Compensation Seminar which enables our members to keep informed on the legislation and its administration. These Seminars are always attended by most of the top officials of the Board and the various Department Heads. From time-to-time we make representations to the Board for changes in the administrative procedures. Annually, we make representations to the provincial government for legislative changes which we think are required.

These few comments will indicate that we are reasonably well informed on the matters that are before your Commission. The proposals we will make, we believe, will help to strengthen the Act and its administration and make for a better Act.

At the outset, may we make it clear that regardless of anything we may say in this submission, we believe that the present Act and its administration is basically sound and has served the workmen of Ontario well over the years, and we would not like to see the basic structure changed. We do, however, believe that some of the benefits need updating and that some modifications and refinements could be made in some of the administrative procedures. These changes, we propose, will be spelled out in this submission.

In the field of rehabilitation the Board has done an excellent job and to the degree that this work is hampered by lack of funds,

we think this should be corrected. In the field of accident prevention, we believe, they could have done much more than they have over the years. We will also comment on this in some detail.

We believe that the success of the Ontario system of Compensation is that it is a public body and has been free to conduct its own business without interference from the courts. In other jurisdictions, where they are basically privately-run plans and have access to the courts, the assessment dollars returned to the injured workmen are considerably less than those paid in Ontario. We do not believe that anyone in Ontario with any knowledge of our Act and its administration would seriously propose that it be anything other than a public body, therefore, we will not comment further on this aspect. However, some groups, lawyers in particular, have advocated that the "Privative Clause" in the Act be deleted and that all cases should be allowed to proceed to the courts for final settlement. This we are opposed to.

PRIVATIVE CLAUSE

Section 72(1) of the Act reads as follows:

"The Board has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Part and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Board, and the action or decision of the Board thereon is final and conclusive and is not open to question or review in any court and no proceedings by or

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Section 42(1) of the Act reads as follows:

"THE BOARD HAS EXCLUSIVE JURISDICTION TO EXAMINE INTO,

and determine all questions and disputes relating

to the validity of any election and to any matter arising in respect

of which any power, authority or jurisdiction is conferred

upon the Board, and the election or decision of the Board

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"before the Board shall be restricted by injunction, prohibition or other process or proceeding in any court or be removable by certiorari or otherwise into any court."

We realize that it is difficult sometimes to define the thin line between facts and law. We also recognize that on matters of law, the courts must always be supreme, but on matters of fact or merits of these facts, we believe that the Board should remain unchallenged.

We recognize the courts are jealous of their jurisdiction, and that some tribunals have left themselves open to criticism. In our experience, this has not been true in the case of the Workmen's Compensation Board. Our position is that we would rather accept a few unsatisfactory decisions from the Board, as long as they are delivered with due dispatch. On occasions, when we have had unsatisfactory decisions, we have been able to get them reviewed by the Board.

May we remind you that Justice W.D. Roach in his Report on the Workmen's Compensation Board, published in 1950, when dealing with "Appeals from the Board" had this to say: "I therefore recommend no change in this feature of the Act."

The Gordon Commission of 1959, established to report on the organization of government in Ontario, had this to say on page 76 of their Report: "We agree with the findings of Mr. Justice Roach, following his enquiry into the operations of the Workmen's Compensation Act in 1950, that appeals to courts should not be permitted."

Coupled with the matter of the considerable inconvenience in time, the matter of litigation has a very great bearing on the amount of money paid to the injured workman.

In the Province of Ontario the workman receives approximately 89.9 cents out of every assessment dollar, whereas in the United States the average the injured workman receives is in the neighbourhood of 45 cents from the assessment dollar. The litigious features of the American jurisdictions are the primary reason the workman gets so little from the assessment dollar.

★In the District of Columbia the cost for legal services, if approved by the Commission, becomes a lien against the workman's award.

★In Michigan the lawyer is entitled to 25% of the award and it becomes a lien against the award and if the lawyer submits a bill in excess of 25%, amount of the excess must be approved by the Commission before it becomes a lien against the man's award.

★In Mississippi, the legal fee becomes a lien against the workman's award. In this State the lawyer can charge the workman only 25% of the award. However, should the case process through to the Superior Court of the State, there is no limit on the amount the attorney may charge, and this becomes a lien against the man's award.

★ In Maine, there are no limits on what the attorney can charge.

*In New York, providing the Board approves the amount of the lawyer's fee, it becomes a lien upon the award.

* In Maryland and Pennsylvania, the attorney's fee becomes a lien against the award of the workman.

*In Tennessee, the fees are subject to the approval of the county judge or other court, and are limited to 25% of the award to the workman.

*In Texas, the attorney can charge a straight 15% of the award and if the case is settled by a court then he is entitled to 30% of the award.

For all of these reasons we would strongly urge that no change be made in Section 72(1) of the Act.

APPEAL PROCEDURE.

In the spring of 1965 the Workmen's Compensation Board instituted a new appeals procedure, which had the effect of putting the whole appeal procedure on a much more formal basis than in the past. This has had a mixed reception from our affiliates. The procedure has also led to some delays. Previously, the Review Board heard a case if a decision of the Claims' Department was appealed. Now the decision of the Claims' Department is referred to the Review Committee, if it is appealed. If the claimant is not satisfied, he can appeal to the Appeal Tribunal. The name "Tribunal" together with the presentation of the evidence in courtroom-like atmosphere has created among many of our affiliates, the impression that this tribunal is actually a "court".

In addition, the medical reports are couched in medical terms which are usually most difficult for union members and their representatives to understand.

They also take the position that this whole procedure has been the cause of delays, something we always have tried to avoid. Others, however, have stated that while the procedure is formal, they are satisfied that they receive a fair hearing and if they produce the facts, they are able, in most cases, to obtain satisfactory settlements.

Because of the limited time this procedure has been in operation, we have been unable to gather sufficient evidence to satisfy ourselves that it has had a reasonably fair trial. We do suggest, however, that you take a very serious look at the new appeal procedure and assure yourself that it is so constituted that it will enable the worker to get a proper hearing, without undue formality and minimum amount of delay.

ACCIDENT PREVENTION:

We are of the opinion that in this field the Workmen's Compensation Board has not done everything which it should have, or could have done to prevent industrial accidents and to promote safer working conditions. It is true that under the existing legislation the Workmen's Compensation Board has paid out considerable sums of money to the various Accident Prevention Associations. These payments amount to about 3% of the annual assessment and are used by the Associations to promote safety education campaigns and safety measures. We would again

agree that these Associations have done some very worthwhile work. However, they lack any power of enforcement and a different government agency, the Safety Inspection Branch of the Department of Labour enforces the legislation and regulations.

We grant that the recent appointment of a Safety Director for the Workmen's Compensation Board may assist somewhat in co-ordinating the activities of the Associations but we still do not believe that the Board itself has stepped properly into the Accident Prevention field.

In his Report, dealing with accident prevention, the Honourable Mr. Justice Roach stated:

"The prevention of accidents in industry is a subject of no less importance than is compensation for injuries sustained as a result of such accidents. It is infinitely more important that, where possible, an accident should be prevented than that it should be permitted to occur and the victim be compensated. It is, therefore, appropriate that an Act which provides compensation to victims of industrial accidents should contain provisions dealing with the prevention of such accidents," and further he states: "In my respectful opinion the present provisions of the Act dealing with accident prevention are not adequate and need revision."

While there has been some attempts made to update the provisions of the Act dealing with accident prevention, we do not believe that enough has been done. The demerit system included in the Act

could help to some extent to establish an effective accident prevention program, provided such a program was carried out under the supervision of the Workmen's Compensation Board. This however is not the case.

Organized labour has always been critical of the fact that the existing Accident Prevention Associations, which are financed largely by the Compensation Board, have not yet recognized the need for labour representation on their governing bodies. It is true, that over the last few years, a closer co-operation has developed between these Associations and organized labour. It is also true that the appointment of a Labour Safety Council, consisting of the Presidents of the Accident Prevention Associations and representatives of the Labour Movement has brought closer contacts. However, this Council is only an Advisory Council and can only make recommendations to the Minister.

Mr. Justice Roach in dealing with accident prevention also stated in his Report:

"Since accident prevention is of common interest to both employers and workmen it would seem logical that they should both actively participate in any organized system the purpose for which is to lessen industrial accidents.

As between the two groups, it seems to me that the workmen are much more vitally interested than the employers. If a workman is maimed in industry, the employer has to pay the compensation but no monetary allowance can ever adequately compensate a workman who has to go through the balance of his life minus an eye, or a hand, or some other member."

"My first criticism of the present system is that it does not provide any means which will ensure the active participation of labour in the work of accident prevention."

Further to his Report, Mr. Justice Roach stated that any completely organized system for accident prevention requires a code of accident prevention regulations. He then proposed that the subject of accident prevention in all industries under Schedule One shall be under the jurisdiction of the Board.

In setting down the rules for such a program, he proposed that an Advisory Committee consisting of employer and employee representatives should be set up to assist the Board in establishing reasonable standards of safety in employment.

Justice Roach also recommended that in any operation where 20 or more employees are working, accident prevention committees, consisting of management and labour representatives, should be set up.

None of these recommendations have been incorporated into legislation.

His Honour Judge J.P. McAndrews in submitting his Report on Industrial Safety reiterated the recommendations made by Mr. Justice Roach. In his concluding paragraph, dealing with accident prevention, Judge McAndrews stated:

"The work of Accident Prevention Associations, if co-ordinated, can excel in safety education; but this Commission is convinced that the present system is

"not functioning sufficiently well to realize the full potential for safety education and training that is available.

"Therefore in order to achieve this objective, the Commission recommends:

"1. That the Accident Prevention Associations be placed under the jurisdiction of the Workmen's Compensation Board;

"2. That there be formed an Executive Administrative Committee of these Associations, with a fulltime representative of labour, to co-ordinate and supervise activities of the Associations;

"3. That the Committee be appointed by the Board and be responsible to the Board."

Again these recommendations have not been implemented and organized labour has constantly pointed out that if safety education is to work properly, labour must be regarded as a partner in this endeavour.

Our position on the matter of accident prevention was clearly stated to the Ontario Labour Safety Council in September, 1964.

"Organized labour in Ontario has always maintained that any successful accident prevention program must be carried out jointly by both labour and management."

"For many years management at least left the impression that they should be left alone to solve safety matters. The special committee of the Ontario Federation of Labour on Accident Prevention in 1957 reported that:

"The present facilities for Industrial Safety and Health have, in most cases, failed to enlist the co-operation and enthusiasm of local union members and non-managerial employees. We feel that this co-operation and enthusiasm cannot be enlisted without the setting down of clear-cut, easily understandable rules governing safety and health. "

"We are the first to admit that the Labour Movement could have, and in fact should have, done more over the years in the field of safety education. Frankly, we became preoccupied in trying to assure that the injured worker received the benefits due him under Workmen's Compensation after the accident happened and we have not put the same effort into avoiding accidents.

"However, that is not to say that we are not concerned about this problem or unmindful of the need for something to be done. As we indicated earlier, immediately our Federation was formed by the merger of the two groups in 1956, we moved to correct this deficiency and since then we have made some steady progress.

"Today a number of the larger unions such as the Steelworkers now have fulltime people working on safety education, the Canadian Labour Congress have a standing committee on safety as has our Federation and through all of these media, we are striving to catch up on

"this phase of our work. The unions in the construction field have also taken an active role in the field of safety. We at the Federation are sure that we can, in the years ahead, make a useful contribution in this field of safety education."

Our Federation from time-to-time has urged that a Central Safety Authority should be set up to co-ordinate the activities of accident prevention and safety education. At times we thought that the Workmen's Compensation Board should be that authority, but we still believe that all accident prevention programs should be directed by such a central source. It is our contention that the Board could fulfill these requirements. This is now done in a number of other provinces, mainly in B.C., Alberta, Saskatchewan, and Manitoba.

The Workmen's Compensation Board since it is concerned with the payments of compensation benefits should, therefore, be the agency which is also concerned with the enforcement of safety regulations.

We have the unrealistic situation in Ontario that an Inspector of the Safety Inspection Branch will inspect a certain operation of a plant. An Inspector of the Workmen's Compensation Board will inspect first aid facilities while other Inspectors will check other problems in this plant. We believe that this system is not conducive to a first rate safety program because it can lead to counteracting orders given by one Inspector.

We therefore recommend to you, Sir, that serious consideration be given to the establishment of one central enforcement agency to avoid duplications and misunderstandings.

We also believe, as we already pointed out to the Labour Safety Council in 1964, that research in accident prevention should be centralized. At present considerable information is available from the Workmen's Compensation Board, the Department of Labour and the Accident Prevention Associations. However, this is fragmented and sometimes misleading. We think a central authority would accomplish a great deal more in the way of research which could lead to better safety programs and could be made available to industry and unions.

May we respectfully suggest that you peruse the Report of the Ontario Labour Safety Council published in January, 1965 on the matter of Accident Prevention and Safety Education in Ontario. We are sure that you will acquire from this document some very worthwhile information about this problem.

CHANGES IN THE LEGISLATION.

While we agree that this is a sound piece of legislation and has generally been well administered, there are some Sections which need clarification. Benefits have been adjusted from time-to-time but most of them are now low in comparison to present-day costs and should be adjusted.

We will comment and make recommendations on the following Sections of the Act and Regulations:

Sections of the Act:

Section 3. Waiting Period.

Section 5. Elimination Schedule #2 and related Sections.

- Section 37. Scale Compensation.
- Section 41. Modified Employment.
- Section 42. Updating Benefits.
- Section 43. Minimum Compensation.
- Section 44. Ceiling on Earnings.
- Section 51. Medical Aid.
- Section 53. Rehabilitation.
- Section 117. Accident Prevention.
- Section 122. Assisting in Preserving Peace.

Regulations:

- Section 2. Exclusion of Industries.
- Section 12. First Aid Facilities.
- Section 21. Keeping Records (to Become 22).
- Add a New Section 21. Mining First Aid.

Section 3:

It is our contention that there is no longer any necessity for a waiting period before a workman is entitled to the payment of compensation. The present Act, Section 3(1)(a), provides for three calendar days as a so-called waiting period. In many cases, this only represents one actual working day. By providing entitlement to the workman for compensation payments beginning with the first shift following his compensable accident, the handling of claims could be speeded up; many enquiries could be avoided and the overall cost in essence could be

reduced. In addition to this, there is no justifiable reason why a workman should lose three full days' wages, as at present, before being compensated for injuries resulting from an accident which occurred through no fault of his own.

Section 5:

When the Compensation Act was first put into effect on January 1st, 1915, it followed the recommendations of Sir William Meredith in setting up two Schedules. Schedule I, concerns employers in various classes who are collectively liable for the payments into the accident fund. Employers under Schedule I pay into this accident fund out of which compensation is paid to an injured workman. Schedule II as proposed by Sir William Meredith makes such employers as municipalities, public utilities, railways and others, individually liable for the cost of accidents.

Over the years this system has led to many complications and employers under Schedule II are constantly contesting compensation cases and disclaiming responsibility for accidents happening on their premises. In many cases, an injured workman has to wait many months before his compensation claim is settled and often he has to go through the complete appeal procedure to establish his claim.

We are of the opinion that this puts an undue burden on the injured workman who works for an employer in

Schedule II. We are, therefore, of the opinion that Your Honour should give very serious consideration to establishing new classes under the system of collective liability and bring the employers presently listed under Schedule II of the Act under Schedule I and eliminate Schedule II. This would make these employers equally responsible and, in our opinion, would also divide the cost equally among the employers now presently listed under Schedule II. Possibly, there could be established two or three new classes which could be added to the present Schedule I. In this case, there would be only one Schedule.

We would remind you Mr. Commissioner that the original Royal Commission, which drafted the Act of 1915, suggested that the two Schedules set on the basis that it was pioneering legislation and that subsequent experience in administration should determine which of the two systems was best. It did not require that the two Schedules be permanent. We believe the time has now arrived to eliminate Schedule II.

Section 37:

X One of the major concerns is with the present scale of compensation paid in the case of fatal accidents. By setting a statutory amount of pensions for dependents, legislation is in conflict, in our opinion, with the fundamentals established by Sir William Meredith in that payments to survivors should have a relationship

to the man's earnings, so the workman's family will not be forced to accept a lower standard of living than that which he has established by reason of his skill and wages.

We contend that a widow entitled to benefits under the Workmen's Compensation Act should receive at least 75% of her late husband's earnings, or, a minimum of \$100. ^{per week} whichever is the larger amount, as long as she remains a widow. This would enable her to maintain herself at a level closely to which she had been accustomed by virtue of her late husband's earnings. If the widow is not allowed the 75% of earnings as a pension, then the dependent children should be provided with a monthly allowance sufficient to feed and clothe them, as well as providing the cost of their education. We ^{including university} are also of the opinion that the limit of \$150. established in Section 37(3)(b) and (c) should be removed, because we feel that this is discriminatory and inflicts an added burden on larger families.

Other benefits under Section 37 of the Act should also be raised in accordance with present-day needs. We propose that Section 37(1)(a) should be amended to provide \$700. for funeral expenses instead of the present \$300. because it is impossible for a widow to obtain a funeral for \$300. or less today. In addition to the burial expenses up to \$700. mentioned above, we are also

Immediate assistance at time
of death is imperative

of the opinion that the lump sum, paid at the death of the workman, should be increased to \$500. so that the total amount a widow would receive at the time of her husband's death, would be \$1,200., instead of the present \$600.00. A change in Section 37(5) is therefore also necessary.

In many instances, a fatally-injured workman has been supporting parents. We, therefore, propose that death benefits should be paid to such survivors of the fatally-injured workman, who were totally dependent on him in the past, and whom, under the country's income tax laws, he had been able to claim as dependents.

Section 41:

This Section of the Act has in recent years given our unions and their members more difficulty than any other Section. It has been the subject of a great deal of discussion both with the Compensation Board and the Minister of Labour. As a result of these discussions, changes were made in this Section in 1962 - 1963 Session of the Legislature. However, it has not solved the problem. Briefly-stated, the situation is as follows:

A workman, after being on temporary total disability benefits is checked by his Doctor and found that he is unable to return to his former job for the time being, but that he could carry out a light job. After receipt of this

report, the Workmen's Compensation Board reduces the man's benefits to 50% and some time later as low as 25% of the original benefits.

The injured worker, however, finds that his employer has no light work available for him and therefore cannot employ him, even at a lower rate of pay than he would ordinarily earn. This puts the worker in a position where he has to live on 50% or less compensation payments and on many occasions, he ends up seeking assistance from Public Welfare.

Section 41 of the Act states:

"Where temporary partial disability results from the injury, the compensation shall be a weekly payment of 75% of the difference between the average weekly earnings of the workman before the accident and the average amount that he is earning or is physically capable of earning, as determined by the Board. ..." (Underlined is ours.)

This is the crux of the problem. The workman may be physically capable of earning a certain amount of money, if employment were available to him, but he is not able to return to his former job.

It should be considered that the workman at the time of the injury was on the payroll of an employer,

otherwise he would not have been entitled to benefits in the first place. The injury has taken him completely out of the labour market and if his employer has no modified or light work available for him, he will remain outside the labour force. If he attempts to register for benefits under the Unemployment Insurance Act, he will find that the National Employment Service will not place him in employment because:

- (a) he is actually employed; and
- (b) he is not physically capable to do any work they would recommend.

It is our contention, therefore, that an injured workman should remain on full temporary total disability payment until he is capable of returning to his former employment, or, until he is sufficiently recovered to return to the labour force. If no employment is available at his former place of employment, after he has fully recovered, he then could use the facilities of the National Employment Service.

We urge your Commission to seriously consider this Section of the Act, since it has brought considerable hardship to many injured workers, who were forced to exist on reduced compensation payments, in many cases, on only 25% of the original benefits they were receiving immediately following the injury.

50%
summer
but 25%
not
annual

Section 42:

Over the years we have had considerable difficulty trying to get disability pensions updated so that they are somewhat in line with present-day costs. The government amended the legislation in 1965 which was a very great improvement. Under the existing Act, pensions for permanent disabilities for accidents that happened prior to January 1st, 1950 are now paid at 75% of the earnings at the time of the accident. Costs have, of course, increased noticeably since 1950 and these pensions are still too little.

This will be further aggravated as costs and wages continue to rise. We would, therefore, suggest that consideration be given to further adjustments in these pensions and also that some method be devised to have these pensions updated as the cost-of-living rises.

Section 43:

Section 43 sets out the minimum compensation to be paid. It states that where the average earnings are not less than \$30. a week, compensation will be paid at the basis of \$30., or the actual earnings. We like to point out that this is even below the legal minimum wage of \$1.00 per hour, or \$40. weekly, for a forty-hour week. We, therefore, believe that the minimum compensation should be raised to conform to the existing minimum wage and if

that wage is increased in the future, compensation should be increased accordingly.

Section 44:

It is our contention that the present-day ceiling of earnings set out in the Workmen's Compensation Act of \$6,000. yearly, on which compensation is being paid, is no longer realistic. Many workmen in industry today are now earning more than this amount and their compensation payments, therefore, do not amount to 75% of their earnings but, in many cases, rather between 40% and 55%. We, therefore, believe that the ceiling on earnings should be removed and compensation paid on the actual earnings of the workman. We also believe that the workman should receive compensation equalling his takehome pay, while he is working.

Section 51:

Section 51 of the Workmen's Compensation Act provides for medical aid for an injured workman. This Section also states that a workman is entitled to medical aid had he been disabled for at least three days.

In conformity with our previous recommendations, we would urge that the reference to three days be eliminated from this Section.

It has been the practice of the Workmen's Compensation Board to allow the workman "free choice of practitioner".

However, this is not clearly spelled out in the legislation and we believe this Section of the Act should clearly indicate that the workman has a right to choose his own practitioner.

Section 53:

This Section of the Act provides the Board with the authority to carry on their rehabilitation work. May we repeat what we stated earlier in our submission, that this is one field in which the Board has done some excellent work and should be commended for it. We note in the Act that there is a limit of \$200,000. for this work. If this feature has in any way hampered the Board, we suggest it should be removed.

One area of rehabilitation, that we encountered, is where a person has had a serious accident and is physically restored to what appears to be good health but the accident has left him emotionally disturbed. This is usually hard to define and much more difficult to cure than the physical problems. We realize that this is giving the Board some concern and they have done some work in this field. However, may we suggest that this is one area of rehabilitation where possibly more work should be done.

Section 116:

Schedule III of the Workmen's Compensation Act lists the industrial diseases now recognized by the

Board as compensable if a disability arises out of such diseases. We believe that the Workmen's Compensation Board should periodically update this list and add new industrial diseases as compensable disablements, as such diseases become known and become a factor in industry. In particular, we feel the Board should fully recognize such industrial handicaps as industrial deafness, ionizing radiation, salmonella and others - which have been found to affect workers.

Section 122:

This Section of the Workmen's Compensation Act provides that any person required to assist in arresting any person, or, in preserving the peace, shall be deemed to be an employee of the Crown and his average earnings shall be deemed to be the amount as his average earnings at his regular employment but in any case, not less than \$30. per week and not more than \$6,000. a year.

We would request that to this Section a new part be added and that "persons who are engaged in any act of preserving life and property, or, are assisting in mine rescue work", be deemed employed and their earnings be considered for compensation purposes. We would also request that the minimum be raised accordingly to the minimum wage laws of Ontario and that the ceiling of \$6,000. be eliminated.

Local Investigations:

In numerous compensation cases, the Board finds that a local investigation is necessary to obtain further information on the claim made by the injured workman. It is our contention that the investigator should be instructed to inform the claimant that he has a right to be represented at such an investigation.

REGULATIONS:

Section 2:

Section 2 of the Regulations list a number of industries which are excluded from the Compensation Act. We believe that your Commission should very carefully reconsider these exclusions, since we do not believe that they are any longer justified, particularly since farm operations have been brought under the jurisdiction of the Act.

Section 12:

Section 12 of the Regulations outline the requirements for first aid facilities. While we have no complaints about these Regulations, we are of the opinion however that a provision should be added to these Regulations instructing the Board to inspect first aid facilities on a regular basis at least twice a year.

Section 21:

Section 21 of the Regulations provide that an employer shall keep a record of injuries to the workman and the first aid treatment applied. However, we find that in many cases such records are not kept and often difficulties arise to establish the fact that a workman has reported an accident or injury to the first aid department.

We, therefore, believe that the Workmen's Compensation Board exercise a stricter control over the recording of non-compensable injuries, which only need first aid treatment.

New Section:

We would propose that the following be added as Section 21 of the Regulations to the Workmen's Compensation Act and that the present Section 21 become Section 22.

The new Section 21 would read as follows:

"1. The employer of mine workers shall provide at each work site, whether underground or on the surface, a first aid box coloured white and prominently displaying a red cross, containing:

(a) a standard first-aid manual;

(b) instruments consisting of:

New Section (cont'd)

- (i) one pair of bandage scissors, and
 - (ii) a card of assorted safety pins;
- (c) drugs consisting of:
- (i) one package of antiseptic swabs, other than tincture of iodine, and
- (d)
- (i) twelve adhesive dressings, individually wrapped,
 - (ii) one roll of adhesive tape, one inch wide,
 - (iii) four rolls of inch gauze bandage,
 - (iv) six sterile gauze pads, three inches square,
 - (v) four rolls of three-inch gauze bandage,
 - (vi) two sterile surgical pads suitable for pressure dressings, individually wrapped,
 - (vii) six triangular bandages.

"2. A metal mesh basket and one hemp rope and one marlin rope.

"3. A low white truck on rails that can be pushed to the shaft for transport of injured workers."

CONCLUSION:

We have attempted to put before your Commission, as briefly as possible, those matters which, we believe, require attention at this time. If any further information is required on any matters raised in this submission, we will be only too pleased to do whatever we can to provide it.

We trust the matters raised will be given careful consideration and that you will see fit to make the changes we have recommended.

All of which is respectfully submitted by:

ONTARIO FEDERATION OF LABOUR, C.L.C.

David B. Archer,
President.

D. F. Hamilton,
Secretary-Treasurer.

August, 1966.

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S U M M A R Y

The following is a brief summary of our recommendations:

In Brief We Recommend:

1. The "Privative Clause" Section 72 remain as is in the Act.
2. The Compensation Board remain a public body.
3. Review be made of the existing appeals procedure with a view to:
 - (a) Having medical and other reports in clear language;
 - (b) Conducted without any undue delay.
4. Present three-day waiting period to be eliminated.
5. Eliminate Schedule II from the Act and incorporate it into Schedule I.
6. Increase Widows' Pensions to 75% of husband's income at time of accident.
7. Delete the \$150. minimum for large families.
8. Increase funeral expenses from \$300. to \$700.
9. Increase lump sum payments to \$500. in cases of fatal accidents.
10. Completely rewrite Section (41).
11. Update permanent disability pensions to bring them in line with present-day costs.
12. Raise \$30 minimum Section (43) to present Minimum Wage Standard.
13. Remove \$6,000. ceiling on earnings.

14. Spell out free choice of practitioners.
15. Examine rehabilitation services with a view to more psychiatric care.
16. Include those in Mine Rescue Work, those preserving peace and property in the Act.
17. Eliminate all exclusions from the Act.
18. Inspect and improve "First Aid Facilities."
19. Better records be kept on first aid.

